

FILED

JAN 28 2013

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

DAVID CREWS, CLERK
By Deputy
Deputy

BRENDA BROOKS,

Plaintiff,

v.

HASTER LAW OFFICE, P.A.,

Defendant.

Civil Action No.: 1:13CV17-JMV

COMPLAINT

PLAINTIFF'S COMPLAINT

Plaintiff, BRENDA BROOKS ("Plaintiff"), through her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, HASTER LAW OFFICE, P.A., ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* ("FDCPA").
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION and VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the State of Mississippi establishing personal jurisdiction.
5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Noxapater, Winston County, Mississippi.
7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3).
8. Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).
9. Defendant is a business entity with an office located at 6640 Shady Oak Road, Suite 340, Eden Prairie, Minnesota 55344.
10. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

FACTUAL ALLEGATIONS

11. In or around the latter part of November 2012, Defendant began contacting Plaintiff attempting to collect an alleged debt.
12. Upon information and belief, the alleged debt arises from transactions which were for personal, family and/or household purposes.
13. In its collection attempts, Defendant places telephone calls to Plaintiff's cellular telephone, (601) 683-06xx.
14. When Plaintiff is unable to answer Defendant's telephone calls, Defendant leaves a voicemail for Plaintiff. *See* transcribed voicemail, attached hereto as Exhibit A.
15. Defendant's employee states that it is calling from "attorney Haster's office" to speak with Plaintiff, and asks Plaintiff to return the call "from a law firm" at 800-511-6409. *See* Exhibit A.
16. However, Defendant's message does not inform Plaintiff that the "attorney Haster's office" it is a debt collector. *See* Exhibit A.
17. Defendant's message also does not provide Plaintiff with any indication that the

nature or purpose of its call is regarding a debt. *See* Exhibit A.

18. Defendant's message is deceptive and misleading in connection with its collection attempt as it does not identify Defendant or disclose the purpose of its phone call, or that it is an attempt to collect a debt.

19. Defendant also attempts to mislead Plaintiff by emphasizing that a law firm is calling Plaintiff twice in its message.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

20. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692e(10) of the FDCPA by use deceptive means to attempt to collect a debt; and
- b. Defendant violated §1692e(11) of the FDCPA by failing to disclose that it was from a debt collector.

WHEREFORE, Plaintiff, BRENDA BROOKS, respectfully requests judgment be entered against Defendant, HASTER LAW OFFICE, P.A., for the following:

21. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

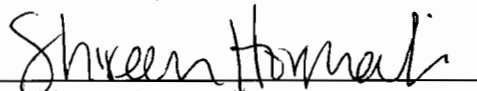
22. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k, and

23. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

DATED: January 22, 2013

By:



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Mississippi Bar No. 103799

EXHIBIT A

Hi, this is attorney Haster's office calling to speak with Brenda Brooks. Brenda, please return a call from a law firm at 800-511-6409. Thank you.